

6/9/2022 – The 2020 Florida Legislature passed laws governing emotional support animals (ESA) which go into effect on **July 1, 2020**. These laws clarify how to properly qualify for an emotional support animal. These new laws rules were also intended to address a growing concern that tenants / prospective owners of Condo's / POA's / HOA's are purchasing illegitimate documentation for emotional support animals and wrongly passing off their pets as emotional support animals. These anti-fraud reforms include making it a misdemeanor to knowingly provide false information or otherwise misrepresent oneself as having a disability or disability-related need for an ESA. A healthcare professional who states that a person has a disability or need for an ESA without personal knowledge of the disability is now subject to disciplinary action.

The 2020 Florida Statue below specifically profiles definitions(s); supporting information / documentation; request limitations; liability and applicability associated with ESA applications; and rules set forth on how tenants can obtain legitimate ESA documentation.

Emotional Support Animals - Florida Statues - Chapter 760 Section 27 (760.27)

DEFINITIONS.—As used in this section, the term:

(a) *“Emotional support animal” means an animal that does not require training to do work, perform tasks, provide assistance, or provide therapeutic emotional support by virtue of its presence which alleviates one or more identified symptoms or effects of a person’s disability.*

(b) *“Housing provider” means any person or entity engaging in conduct covered by the federal Fair Housing Act or s. 504 of the Rehabilitation Act of 1973, including the owner or lessor of a dwelling.*

(2) REASONABLE ACCOMMODATION REQUESTS.—*To the extent required by federal law, rule, or regulation, it is unlawful to discriminate in the provision of housing to a person with a disability or disability-related need for, and who has or at any time obtains, an emotional support animal. A person with a disability or a disability-related need must, upon the person’s request and approval by a housing provider, be allowed to keep such animal in his or her dwelling as a reasonable accommodation in housing, and such person may not be required to pay extra compensation for such animal. Unless otherwise prohibited by federal law, rule, or regulation, a housing provider may:*

(a) *Deny a reasonable accommodation request for an emotional support animal if such animal poses a direct threat to the safety or health of others or poses a direct threat of physical damage to the property of others, which threat cannot be reduced or eliminated by another reasonable accommodation.*

(b) *If a person’s disability is not readily apparent, request reliable information that reasonably supports that the person has a disability. Supporting information may include:*

- 1. A determination of disability from any federal, state, or local government agency.*
- 2. Receipt of disability benefits or services from any federal, state, or local government agency.*
- 3. Proof of eligibility for housing assistance or a housing voucher received because of a disability.*
- 4. Information from a health care practitioner, as defined in s. 456.001; a telehealth provider, as defined in s. 456.47; or any other similarly licensed or certified practitioner or provider in good standing with his or her profession’s regulatory body in another state but only if such out-of-state practitioner has provided in-person care or services to the tenant on at least one occasion. Such information is reliable if the practitioner or provider has personal knowledge of the person’s disability and is acting within the scope of his or her practice to provide the supporting information.*
- 5. Information from any other source that the housing provider reasonably determines to be reliable in accordance with the federal Fair Housing Act and s. 504 of the Rehabilitation Act of 1973.*

(c) *If a person’s disability-related need for an emotional support animal is not readily apparent, request reliable information that reasonably supports the person’s need for the particular emotional support animal being requested. Supporting information may include:*

- 1. Information identifying the particular assistance or therapeutic emotional support provided by the specific animal from a health care practitioner, as defined in s. 456.001; a telehealth provider, as defined in s. 456.47; or any other similarly licensed or certified practitioner or provider in good*

standing with his or her profession's regulatory body in another state. Such information is reliable if the practitioner or provider has personal knowledge of the person's disability and is acting within the scope of his or her practice to provide the supporting information.

2. Information from any other source that the housing provider reasonably determines to be reliable in accordance with the federal Fair Housing Act and s. 504 of the Rehabilitation Act of 1973.

(d) If a person requests to keep more than one emotional support animal, request information regarding the specific need for each animal.

(e) Require proof of compliance with state and local requirements for licensing and vaccinating each emotional support animal.

(3) REQUEST LIMITATIONS.—

(a) Notwithstanding the authority to request information under subsection (2), a housing provider may not request information that discloses the diagnosis or severity of a person's disability or any medical records relating to the disability. However, a person may disclose such information or medical records to the housing provider at his or her discretion.

(b) A housing provider may develop and make available to persons a routine method for receiving and processing reasonable accommodation requests for emotional support animals; however, a housing provider may not require the use of a specific form or notarized statement, or deny a request solely because a person did not follow the housing provider's routine method.

(c) An emotional support animal registration of any kind, including, but not limited to, an identification card, patch, certificate, or similar registration obtained from the Internet is not, by itself, sufficient information to reliably establish that a person has a disability or a disability-related need for an emotional support animal.

(4) LIABILITY.—*A person with a disability or a disability-related need is liable for any damage done to the premises or to another person on the premises by his or her emotional support animal.*

(5) APPLICABILITY.—*This section does not apply to a service animal as defined in s. 413.08.*

<https://www.flsenate.gov/Laws/Statutes/2020/760.27>